

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.397 OF 2007

Kusp Electronics Pvt. Ltd.
and 2 Ors. Petitioners.

Versus

Tech Pacific Technology(India)
Ltd., & Anr. Respondents.

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Mr.Rajendra Shirodkar, Adv. for Petitioners.
Ms.S.V.Gajre, APP, for State.
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CORAM : SMT.V.K.TAHILRAMANI, J.
DATED : 20th February, 2007.

P.C.:

1. Heard the learned Advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned M.M., 50th Court at Vikhroli in C.C.No.253/S/2006 (old C.C.No.224/S/2000). In the said case process is issued under Section 138 r/w. 141 of N.I.Act.

3. For the reasons recorded in the the case of **V.K.Jain and others Vs. Pratap V. Padode**, reported in 2005(3) Mh.L.J.778, I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a

revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall after hearing necessary parties dispose of the matter on merits.

6. Application is disposed of.

(SMT.V.K.TAHILRAMANI, J.)